

**PROCEEDINGS OF THE BROWN COUNTY
PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Planning, Development & Transportation Committee** was held on Monday, October 21, 2019 at the Brown County STEM Innovation Center, 2019 Technology Way, Green Bay, WI

Present: Chair Bernie Erickson, Supervisor Tran, Supervisor Deslauriers, Supervisor Dantine, Supervisor Kaster
Also Present: Supervisors Van Dyck, Joan Brusky; Director of Administration Chad Weininger, Internal Auditor Dan Process, Finance Director Bradley Klingsporn, Senior Accountant – Budget Coordinator David Diedrick; HR Executive Streckenbach, Corporation Counsel David Hemery; County Conservationist Mike Mushinski, Assistant County Conservationist Jon Bechle; Register of Deeds Cheryl Berken, Chief Deputy Register of Deeds Sara Frisque, Planning Director Chuck Lamine, GIS Coordinator Jeff DuMez, Zoning Administrator Bill Bosiacki, Extension Director Judy Knudsen, Port and Resource Recovery Director Dean Haen, Public Works Director Paul Fontecchio, Land Con Citizen Rep Stan Kaczmarek & other interested parties

I. Call Meeting to Order.

The meeting was called to order by Chair Bernie Erickson at 6:13 pm.

II. Approve/Modify Agenda.

Supervisor Deslauriers would like to take Non-budget Items 3, 4 and 6 prior to budget as they had a potential budget impact and there were people in attendance that would like to speak. Erickson stated when Corporation Counsel arrived they will stop where they were but he didn't want to move it up and have discussions without him.

Motion made by Supervisor Kaster, seconded by Supervisor Dantine to approve the agenda with amendments to take Non-budget Item 2 first, take non-budget Items 8 and 9 after 11 and delete Item 12. Vote taken. MOTION CARRIED UNANIMOUSLY.

III. Approve/Modify Minutes of September 23, 2019 and October 16, 2019.

Motion made by Supervisor Deslauriers, seconded by Supervisor Tran to approve. Vote taken. MOTION CARRIED UNANIMOUSLY.

Although shown in proper format here, Non-budget Item 2 was taken at this time.

****BUDGET REVIEW****

Comments from the Public on Budget Items None.

REVIEW OF 2020 DEPARTMENT BUDGETS:

1. Register of Deeds - Review of 2020 department budget. Budget Book Page 240.

Register of Deeds Cheryl Berken provided handouts (attached) re: 2020 Budget Proposal Highlights and briefly went over it with the committee.

Pg. 243, Kaster noted staffing trends didn't match their initiatives. Weininger interjected they wanted to eliminate two positions but kept them for LTEs as couldn't hire positions in TO. They were saving money but in a cautious way to make sure there were no problems to their organization operation. Berken informed they had a very limited part-timer to back index but wanted to make sure they were good because they lost two people in a matter of two months. Things with the reorganization were looking good. Weininger added this was something new but you reduce staff so much you have to be careful. She was doing some additional stuff, they wanted to make sure she had flexibility with all the projects she was working on.

Van Dyck questioned if the reorg worked, what was the anticipated amount of incremental savings in the future? Chief Deputy Register of Deeds Sara Frisque stated they will need the one LTE, their sole job was back indexing. Weininger informed there were two positions and if they made the change they would be able to reduce the levy in the 2021 budget by \$64,000, one position was roughly \$35,000 and the other was \$28,000. However, he can't go back and give her additional levy in the future. Van Dyck stated the one LTE was not staff, so if that stayed for the year, theoretically there would be \$30,000 some at the end of this year to carryover. Weininger agreed.

Motion made by Supervisor Dantine, seconded by Supervisor Kaster to approve the Register of Deeds budget and pass on to County Board. Vote taken. MOTION CARRIED UNANIMOUSLY.

2. Planning and Land Services (Land Information, Planning Commission, Property Listing & Zoning)
- Review of 2020 department budgets. Budget Book Page 206.

Planning Director Chuck Lamine provided a proposed 2020 budget summary handout (attached) and spoke to it.

County Aerial Orthophotography Project Initiative - They were looking at a 2020 update totaling \$50,000. They were using \$12,000 of Federal Transportation Planning Grant Funds, \$25,000 from an LIO grant from the state and another \$13,000 from a previous year LIO grant, it will be completely paid for off the levy. In past years, they used to bond for these million dollar projects. Costs have come down so they do them more frequently. Another important reason to get it done this year was they'd like to get it tied in with the census year.

Topographic Mapping Project - They received an LIO grant for \$27,500 and were using \$10,000 in Zoning funds, municipalities (all cities, villages and two of the more urbanized towns) were contributing \$34,000 (based on less than \$150 per square mile for each community) and the Land Conservation office was contributing \$5,000. Kaster requested a breakdown of the \$34,000. It will be matched by a \$75,000 grant from USGS and FEMA. A \$151,000 project largely paid for. Kaster questioned if this was split up between all the municipalities in Brown County. Jeff DuMez responded not right now. They did that for air photos last time because every single municipality contributed money. For this project, most urbanized communities or developing communities were the most interested in it. That's where the demand was coming from. The \$34,000 came from those developing communities. The rural communities need had to do with floodplain mapping and that's where Land Conservation contributed.

a. Resolution Approving New or Deleted Positions During the 2020 Budget Process in the Planning and Land Services Department Table of Organization. 19-116R

The Assistant Zoning Administrator position was evaluated for exemption based on the job duties, decision making and specialized knowledge. HR completed the exemption test and determined it to be an exempt role as well as moved it to the corresponding classification and compensation exemption grade. This position will now be a direct supervisor over staff members, including the Sanitary Inspector.

Dantine questioned how this fell in the comp and class, was it the proper set up? It seemed to him that the county loses 10-20 year employees that do a good job and someone is brought in making a lot more. Weininger informed of their process, they looked at comparable counties and average mid-points. As long as they were in between the minimum and maximum, they were in market. If they couldn't fill the position he had tools that the board provided him through the A33 policy and money set aside to make up that difference. It was fair and equitable and what the County Board agreed on. It was the standard practice in the 2019 budget.

b. Resolution Approving New or Deleted Positions During the 2020 Budget Process in the Planning and Land Services Department Table of Organization. 19-118R

Motion made by Supervisor Kaster, seconded by Supervisor Dantine to approve Items 2a & b. Vote taken. MOTION CARRIED UNANIMOUSLY.

Lamine informed the purpose of the proposed Economic Development Director position, the county had 66 acres by the new Brown County Phoenix Innovation Park that they will have control over. The intention was for that to become a Technology and Research Business Park. One thing this position would do was help manage, market and coordinate the efforts to recruit businesses that had a science, technology, engineering or math function associated

with them. It was a long term strategy but they would like this position involved in it. Additionally their office put together the certified site for economic development for the airport property, they had 100 acres identified and basically shovel ready to go. This position would assist the airport in marketing that property and create job opportunities, employment, and tax base growth on that site. Other areas discussed was coordinating and doing more work with the Port on the economic development side as well. They had an Economic Development Revolving Loan Fund program that they'd love to see more attention given to that. It also freed up some of their staff time to delve further into a lot of planning work that needed to be done. In terms of coordination, it could assist municipalities with marketing materials for their business in the industrial park as well.

Kaster questioned if they anticipated this position not being busy someday and if it could be contracted out. Lamine felt there was enough work and as they worked on the budget every year, the one thing that kind of saved them was the new development so it was an emphasis. One thing they were trying to do was promote additional economic developments that created jobs and tax base. He felt there was a strong need for it in a county of this size and level of activity they had and they will have going forward. He felt it was a very good investment for the county going forward. Kaster questioned if municipalities would be able to go to? Lamine felt it would be interesting to see. Some communities had their own economic development staff and what he saw was probably more coordination. The general rule that most communities saw was if they couldn't get it in their community, they want it in their county or the area. It also came from a marketing perspective. Marketing the area as a whole had some benefits. He felt there was a lot of area for growth here and demand.

Further discussions ensued with regard to the intentions, vision and partnerships for the remaining 66 acres.

At the moment Van Dyck wasn't feeling the Economic Development Director position. Each municipality had their own Economic Development Director and could control what went on in their community. The county was at the will of Green Bay or De Pere, etc. He wasn't quite sure when it became the county's responsibility to market 66 acres as they had another large property still sitting there undeveloped. The county also paid Advance \$65,000 a year for them to do economic development and he wasn't quite sure what had come out of that group. He believed they had better places to spend \$80,000 from the budget. Weininger informed Advance was a little different and focused on light manufacturing and was really office space. This was geared towards high tech new technology. The county was under levy limits, the only way the county had the ability to expand was net new construction which brought an extra \$1.2 million into the budget. There was just a meeting about developing a lot of land that sat vacant for the last decade, there were a lot of other opportunities in the county but they didn't have a person with the time or background where their sole job was to create tax base.

Responding to Tran, Weininger informed Advance's funding was through the Executive's budget as he set their goals. He recommended having them come before the committee to talk about what they were doing and their community strategy. Streckenbach stated Advance pulled together 80 CEOs of the area and had a significant amount of investment happening from the private sector that initiated a strategy around 11 initiatives. In terms of the position, the county had a lot of land and they had an opportunity at the university to do a number of things. Erickson spoke in favor of what Advance offers to companies. Tran was concerned with Erickson's comments regarding rate of failure for businesses. She was also concerned with the lack of reports from other agencies that the county gave money to. She questioned if they could recruit a half time person. Lamine felt it would be really hard to recruit a qualified half time person. Weininger felt it wasn't realistic.

Motion made by Supervisor Kaster, seconded by Supervisor Tran to approve and move the Planning and Land Services budget. Vote taken. MOTION CARRIED UNANIMOUSLY.

Motion made by Supervisor Deslauriers, seconded by Supervisor Kaster to suspend the rules to take Non-budget Items 3, 4 and 6 at this time. Vote taken. MOTION CARRIED UNANIMOUSLY

Although shown in proper format here, Non-budget Items 3, 4 and 6 were taken at this time.

3. **Port and Resource Recovery - Review of 2020 department budget.**
 - a. **Resolution Approving New or Deleted Positions During the 2020 Budget Process in the Port and Resource Recovery Department Table of Organization. 19-088R**

- b. Resolution Approving New or Deleted Positions During the 2020 Budget Process in the Port and Resource Recovery Department Table of Organization. **19-089R**
- c. Resolution Approving New or Deleted Positions During the 2020 Budget Process in the Port and Resource Recovery Department Table of Organization. **19-093R**

Page 214 – Director Haen provided a budget summary handout and spoke to it.

Motion made by Supervisor Dantinne, seconded by Supervisor Kaster to approve and move Port and Resource Recovery budget to County Board, including Items 3a, b and c. Vote taken. MOTION CARRIED UNANIMOUSLY.

4. **Airport - Review of 2020 department budget.**

Page 192 - Assistant Airport Director Rachel Engeler and Administrative Manager Sue Bertrand were present to speak to the budget. Handouts were provided to the committee and briefly gone over.

Referring to page 198, Tran understood that education was important but questioned the difference in travel and training from 2018 to 2019. She informed she had a problem paying \$94,000 in travel and training when they were only paying employees \$28,000. She questioned if there was a way to increase the Housekeepers pay to \$15 an hour, a difference of \$2,746 per person approximately. Weininger informed fringes and benefits affected the actual wage and if they were going to change the wages, they had to do a TO change and they were outside the time limit for the budget according to Chapter 4. Weininger added the Airport hired a new marketing person and one of the things the Airport had failed at was developing a deep connection to the community so they were going out and being aggressive, specifically developing relationships to draw traffic to the airport. They were an enterprise fund and their livelihood derived from the more they spent the more they brought in. Engeler added that it also included training and conferences for her as well as FAA required safety training to meet safety compliance requirements. It was also continued education for their airfield staff and terminal maintenance staff.

Van Dyck agreed with Tran in the point of nothing to do with the effort being made or successes that they had, he felt that sometimes with the enterprise funds they don't quite get the explanations in the increases or changes that they require when talking about levy. He would agree that when you look at operating expenses and you have a decrease in equipment maintenance, it raises a question and there was no explanation as to why it went down \$209,000. It's not in the book and if they don't verbally hear why it went down, then he didn't know why they include it in the budget if they are not allowed to ask questions about the changes taken place. He's saying it's not justified but why? They were some pretty big changes. Erickson stated a lot of these things, the money came from the state and federal government and it showed in the expense because the money came in and it had to go out. Weininger stated he had details but it depended on what level they wanted to get down to, they could set up a meeting with the director.

Deslauriers agreed, most of the time they don't see this dramatic of changes. It wasn't the changes but the magnitude up and down.

Motion made by Supervisor Tran, seconded by Supervisor Deslauriers to approve and move the Airport budget to County Board. Vote taken. MOTION CARRIED UNANIMOUSLY.

5. **Extension - Review of 2020 department budget.**

- a. Resolution Approving New or Deleted Positions During the 2020 Budget Process in the UW-Extension Department Table of Organization. **19-103R**
- b. Resolution Approving New or Deleted Positions During the 2020 Budget Process in the UW-Extension Department Table of Organization. **19-104R**
- c. Resolution Approving New or Deleted Positions During the 2020 Budget Process in the UW-Extension Department Table of Organization. **19-105R**
- d. Resolution Approving New or Deleted Positions During the 2020 Budget Process in the UW-Extension Department Table of Organization. **19-106R**

- e. **Resolution Approving New or Deleted Positions During the 2020 Budget Process in the UW-Extension Department Table of Organization. 19-107R**

Motion made by Supervisor Dantine, seconded by Supervisor to approve the UW-Extension budget and move it forward to county board, along with 5a, b, c, d and e. Vote taken. MOTION CARRIED UNANIMOUSLY.

6. **Public Works (Highway, County Roads & Bridges, Facility Management)**
- Review of 2020 department budget.

Page 225 – Director Fontecchio stated a lot of the changes they see reflected in the numbers were implemented as a result of actions they already approved and done in 2019. This year they were holding pretty status quo line by line both in Facilities and the Highway side of things.

Deslauriers informed the numbers of the budget he was totally good with but because of the policy difference for rumble strips he can't vote in favor of this budget. Tran stated she'll abstain as she is not in support as well.

Tran questioned the dollars spent on rumble strips and how much was allotted for next year. Fontecchio informed they did 10-12 intersections at \$2,000 a set. They budgeted \$50,000 in their budget initiative for the County Board Safety Plan. Business Manager Brandy Younger informed \$21,000 to date for safety improvements.

- a. **Resolution Approving New or Deleted Positions During the 2020 Budget Process in the Public Works Department Table of Organization. 19-082R**

Motion made by Supervisor Dantine, seconded by Supervisor Kaster to approve the Public Works budget and move to County Board, along with Item 6a. Vote taken. Nay: Deslauriers; Abstain: Tran. MOTION CARRIED.

****NON-BUDGET ITEMS****

Comments from the Public on Non-Budget Items

1. **Consent Agenda**
 - a. **Airport – Budget Status Financial Report for September 2019.**
 - b. **Extension - Budget Status Financial Report for September 2019.**

Motion made by Supervisor Dantine, seconded by Supervisor Tran to approve 1a & 1b. Vote taken. MOTION CARRIED UNANIMOUSLY.

Discussion/Action Items **Resolutions & Ordinances**

2. **An Ordinance to Amend Chapter 26 of the Brown County Code of Ordinances (Animal Waste Management).**

Assistant County Conservationist Jon Bechle provided a copy of the resolution with proposed changes highlighted in yellow (attached) and noted the changes were made based on discussion from the previous meeting.

Motion made by Supervisor Dantine, seconded by Supervisor Tran to approve. Vote taken. MOTION CARRIED UNANIMOUSLY.

Communications

3. **Communication from Supervisors Deslauriers and Van Dyck re: That Brown County hire a waste water expert in the field of anaerobically digested dairy manure, selected at the discretion of the County Board and paid for by BC Organics, to determine the following:**
 - * If the waste water discharge permit the developer is seeking would allow more phosphorus to be released in to the East River watershed.**
 - * If the discharge and emissions from the digester would be detrimental to the environment or potentially harmful to Brown County residents.**
 - * If the waste water treatment methodology being proposed by BC Organics is first time this technology is being proposed for a manure digester that discharges treated waste water.**

* If the waste water treatment methodology is not viable.

* If any of these conditions are found to be true by the hired expert, that Brown County, to the extent it has the ability to do so, deny any land lease, deny any easement, and withdraw any support for BC Organics to construct or operate the proposed industrial manure digester in District 20.

Deslauriers informed when they originally entered into the communication it was in hopes that the Town of Wrightstown would look at some of those issues and address them in their consideration for a conditional use permit. He believed that communication did just that but now they were at the point where the Town of Wrightstown approved the conditional use permit for the new digester and water treatment facility and will likely be coming to the county shortly to apply for easements to run the pipelines that will transport close to a half million gallons of manure a day.

He would like to see the consideration of those easements since it was something the county has never done before, moving that much liquid manure via pipeline through county controlled land, that it come back to PD&T for consideration and possibly hiring an expert to look at the plans to make sure that if they had a breach in those pipelines that the county wouldn't be doing the cleanup if the LLC threw up its hands.

Responding to Deslauriers, Corporation Counsel Hemery stated anything land related, i.e. easement, would go to the Executive Committee, they had authority. It would also depend on where they were applying for it. Deslauriers knew it would be crossing roads so Fontecchio would be involved. He questioned if they could have the Commissioner come to PD&T and lay out the type of design? Hemery's concerns were the deviation from ordinary and normal practices, not following the county's usual process. The county was an arm of the state and the state had delegated conditional use permitting authority to municipalities. This process had gone through two municipalities already and it was currently in an active lawsuit. Whether unusual, the nature of the communication, indicating from the start, was if any of those conditions were there, to deny any land lease, deny any easement and none of those had been proposed. If they got into it too much Hemery felt it would be a closed session item. The Highway Commissioner had standard processes regarding easements that run along highways and certainly had countless easements across county properties but all of the sudden it looked like the county was changing their procedure and adopting a conditional use process, that the state of which the county was an arm and derived authority from, was delegated to municipalities. They could incur liability if it was alleged they were treating one specific entity differently than the others. In the end, the county owned the land and typically land owners can make decisions regarding how it was used. When you run an easement the concern would be, how does that easement affect your property? When you start getting into how does this affect the community around you, that was the process the state gave to the municipality and they had all types of procedures in place and rules they had to follow.

Deslauriers clarified, since the land lease wasn't an issue because with this approval of the CUP it will not be in Hollandtown so he was pretty sure there won't be any land leases associated with it anymore. Because they hadn't done this before, and a new process for the easement for the pipeline, he was trying to ensure it was done safely, with the proper approvals and he would like some visibility. He believed when it went across a county road, the Highway Commissioner would have sole authority to approve or deny it. He wanted to make sure that when it that request came in that it was not approved before the discussion to make sure that they were doing this in a responsible, safe manner on the design and implementation of the pipeline going to those local CAFOs. Hemery responded he will follow whatever direction the committee gives and can only provide legal advice and that would be to handle any application for request for an easement as they would any other. It would be an interesting suit if brought but it looked premature as no easement or land lease had been applied for which also made it hard to determine if they were truly different valid reasons. The fact they were pushing this on the agenda, several times was pretty unusual when nothing had been submitted to the county yet, which was a concern. For the county to pick its own expert, require this business to pay for it also sounded very unusual especially given that there was not even an application before them.

Van Dyck stated, given the nature of the communication, should this be received and placed on file but would Hemery be open to an additional communication to get the ability to get another kick at this can if in fact there was an easement request made? He understood the precedent nature of it but he didn't think there was any precedent set because they never approved an easement for something similar to this nature. He felt they were asking for a little more oversight in this particular case. Hemery reiterated that Executive Committee would have to approve an easement over county land, so there would always be that kick at the can but with nothing submitted, he didn't know and it was difficult to opine at this point. Van Dyck questioned if receiving and placing on file this communication

would preclude someone putting in a communication request asking any easements via roads for this project be brought to this committee. Hemery responded it would not prohibit it from being brought up again.

Motion made by Supervisor Deslauriers, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY.

4. **Communication from Supervisor Deslauriers re: As the legislative and policy making body of Brown County, that the County Board take a policy position, through resolution, on the recommended criteria for installation and removal of transverse rumble strips.**

Motion made by Supervisor Deslauriers, seconded by Supervisor Tran to suspend the rules to take Items to open the floor to allow interested parties to speak. Vote taken. MOTION CARRIED UNANIMOUSLY.

Duane Oudenhoven - 1460 S. County Line Rd., De Pere

Oudenhoven had rumble strips in front of his driveway. He spoke to the last consideration given to property owners living near roads where rumble strips were being put in. The Wisconsin DOT design manual talked about having them 500' from homes but it didn't seem to pertain to their situation. They denied a request to install them on Hwy 96 and G due to lack of crash history and potential noise impacts to area residents. He didn't understand why local government wasn't worried about it. He was asking for some commonsense towards this and it shouldn't take a rule to know you shouldn't put rumble strips 65' from peoples windows and doors.

Mark Debaker – 3311 S. CTH P, Denmark

DeBaker was present to speak against rumble strips, he read his written statement which was as follows:

"I am Mark DeBaker and live at S. Cty P and Hwy 29. My wife Roxy could not attend due to the amount of stress it has placed on her.

We are 38 year residents in good community standing of what used to be our peaceful home and of which has now turned into a 24/7 torture chamber. I am here to share the pain and effect the rumble strips have caused to our lives.

In less than 2 months we are suffering from stress, anxiety attacks, shaking of hands, loss of sleep, weight loss, chest pain, loss of concentration, depression and despair. This is reality. This is real.

Our property has a low valley north of us adding to the volume effects. We suffer the 24/7 violent noise caused by the rumble strips. We are now forced to take nightly medication as well as using a white noise machine to try and suppress the incessant rumbling noise that is penetrating our home and our heads. It does not work.

The strips have taken both extremely mental and physical tolls on us. We have been so abused by this that we do not feel our lives are worth living like this. We have gone from happy wife, husband, grandpa and grandma to full blown depression. We cannot and do not understand how possibly saving a life but knowingly and deliberately taking two other innocent lives is humane or any more acceptable. Why are our lives less valuable? The noise is equal to that of water board torture. It is attacking our nervous systems and we are on the brink of nervous breakdown. My chest feels a constant pressure. We cannot concentrate. We average maybe 2-3 hours of sleep per night as we lay awake listening to the same pounding sounds. They penetrate your head and body.

We have asked for compromise to help save us from this horrific torture that has been forced on us. But no consideration to our situation is being heard by your leaders. They have all the power to help, still be hero's and help us as well. We are suffering the daily and nightly constant grinding and grating sounds over and over and over. We have begged and pleaded for the county to do the right thing. We have shared the solutions we feel would be of equal safety and a good compromise to all involved, by reducing the speed limit from Lilac Lane to Hwy 29 and adding a solar LED stop sign. Why can't this be tried as an alternative solution to the violent rumble strips?

We are only requesting change on the South side of Hwy 29. We are fighting for our sanity and our lives. We are begging and pleading for your help. Rumble strips do not belong next to our home. This is real. We are in pain and we cannot go on living like this. There are alternative solutions. We are not asking that you change all places rumble strips were installed but to please help those of us out where it has had a horrific impact on our physical and mental well-being.

Lastly,

As you go to sleep tonight and maybe kiss your spouse a peaceful goodnight. I want you to take a moment to pray for Roxy and I as we now have to turn on a white noise machine and take sleep aides never needed before. I will rub her head to try and comfort her into falling asleep and to try to get her the rest needed to fight not one but two brain tumors. I myself will stare at the ceiling fighting to fall asleep and pray we can survive another night

I hope our lives matter to you? May God be with you in helping you do the right thing!"

Bonnie Lee - 3759 Park Rd., Greenleaf

Lee informed she spoke with Fontecchio about the state recommended 500' from residential homes for rumble strips. She wasn't asking for all rumble strips to be removed, just the ones that impact those within close difference. Fontecchio questioned what number would they make that so she posed the question to the committee, if this was their homes, what would be acceptable, what would they be willing to live with?

Jeff Ambrosius - 151 Orlando Dr., De Pere

Ambrosius stated rumble strips went in about April, he thought he could get used to them but hadn't. When the Packers were playing, it was steady for 3-hours straight. You can't sleep, open your windows, or sit on your porch. He was asking that maybe look at flashing lights or something else as an alternative. He questioned what it did to their property values? Was Brown County willing to drop their property values so they pay less taxes because he felt their homes were now worth less money? He questioned if it was in front of their homes, would that bother them or would they say it was the way it was as they were trying to save someone texting or driving drunk.

Don Coenen - 1486 County Line Rd., De Pere

Coenen stated rumbles strips were all they heard and it was ridiculous. They can't sleep or open windows, it doesn't get better. He knew U and EE was a bad one, rumble strips don't stop them, he sees it all the time. How do you sell your place and questioned if it could be moved closer to the stop sign?

Lonnie Swaney - 2027 Grant St.

Swaney had a rumble strip right in front of his house. He's lived there for 29 years and has never been so disturbed in his life. His son can't sleep at night. He would appreciate it if they would consider cutting them out and not filled in with blacktop.

Paul Roffers - 2024 Grant St.

Roffers has been living in his home since 1976 and he had two rumble strips on his property line and a third not far off. The airplanes don't make noise like the strips do. They were terrible and something had to be done. You could have rumble strips from the highway to Packerland and people would not slow down. Trucks hauling gravel to the quarry and put their Jake breaks on, it was a terrible sound and he was hard of hearing.

Motion made by Supervisor Deslauriers, seconded by Supervisor Dantine to return to regular order of business.

Vote taken. MOTION CARRIED UNANIMOUSLY

Deslauriers stated this had been discussed since July 2018 and he had appealed to the Highway Commissioner and County Executive. He had done everything he possibly could and what he was left with was having the County Board make a policy statement of what the County Board felt was acceptable. The Highway Commissioner had the authority to implement safety standards in any way he seemed fit. He had that statutory authority, they could not infringe upon it. This committee has heard from countless sources, different state organizations, the problems with locating rumble strips in close proximity of homes. Although he had a pile of those standards he wanted it noted in the record that the National Cooperative Highway Research program was considered one of the best sources for information and they make a number of determinations on transverse rumble strips. To be clear he was not talking about edge line or center line rumble strips that were only errant vehicles are hitting and creating noise. He was talking about only transverse rumble strips in the roadway that every single car passes over three sets of rumble strips. The National Cooperative Highway Research program use of rumble strips to enhance safety a synthesis of highway practice. Most highway agencies reported that they have considered the noise problem to be serious enough that they had adopted policy against the use of rumble strips in residential areas. Thus rumble strips in the traveled way may not be desirable at any location near residences. Noise complaints are especially likely from residents adjacent to rumble strips installed in the travel way because every vehicle or nearly every vehicle on the roadway crosses the rumble

strip. During daytime hours noise generated by rumble strips may be nearly a nuisance to nearby residents but at night the sound of vehicles traversing the rumble strip may prevent residence from sleeping. Rumble strips on shoulders are less likely than rumble strips in the travel way to disturb nearby residence because noise is generated only by errant vehicles, not by everyone. It may be acceptable to use shoulder rumble strips in urban freeways in residential areas if the residents are far enough from the freeway or a noise barrier is provided. Several highway agencies commented on the importance of avoiding the temptation to use rumble strips when they are not needed. If every intersection had rumble strips on its approach rumble strips would soon lose their ability to focus the attention of the motorist on an unexpected hazard. This could generally reduce the effectiveness of rumble strips at all locations including the locations where they are truly needed. The ability to gain the motorists attention results because passing over rumble strip an unusual experience. Furthermore many of the potential adverse effects of rumble strips discussed above would be less of a concern if rumble strips were not overused. Rumble strips placed in the travel way in residential areas may be objectionable to nearby residents because of the noise generated by vehicles continuously passing over the rumble strips.

The standards for rumble strips setback vary from the very most lenient standard that he can find anywhere was 500' and they go up from there. One standard that was repeated by many agencies was concerning further guidance on ways to minimize the impact of shoulder rumble strips on nearby residence, "concerning further guidance on ways to minimize the impact of shoulder rumble strips on nearby residents, consideration should be given to terminating the rumble strips 656 ft (200 m) prior to residential/urban areas. This threshold value is based upon studies that showed when rumble strips were terminated 656 ft (200 m) prior to residential or urban areas, the noise impacts proved tolerable to nearby residents; also at a distance of 1,640 ft (500 m), the noise generated from rumble strips is negligible." He felt no one suggested other low cost, low or no impact counter measures available in the toolbox that rumble strips be the item to go to. Every regulation he could find said all other countermeasures must be proven ineffective before transverse rumble strips in close proximity in homes is considered. Something as simple as a painted white line at an intersection, at the stop sign, reduces serious and fatal accidents by 19%. Something as simple as an LED lit stop sign, which Fontecchio stated they don't use in Wisconsin. An LED stop sign was put in in Shirley and whether the middle of the day or at night, it was a highly visible marker. Those had an effective, reduction in serious and fatal accidents of 35%. He felt they were not at the point where they needed to use this nuclear option because they were not out of other low cost, low or no impact countermeasures for the residents. Rumble strips were low frequency, highly invasive noise that was 24/7 sporadic, unpredictable, and not constant road noise but an incessant assault every time they went over the rumble strip. It interrupted sleep which had dire health consequences. He can't anyone in the US implementing a systematic implementation of rumble strips in this fashion. If there was one, he didn't know, he can't find anything. The reason Deslauriers chose 500' was it was the most lenient stated standard that he could find and he thought it struck a compromise. He wasn't asking for the most restrictive.

Tran informed Supervisor Lefebvre could not be in attendance but was in support of removing rumble strips and questioned why they didn't try a 4-way stop first.

Kaster didn't think there was anything more sacred than a person's property and their home. He knew the Highway Commissioner wasn't doing this to be mean or to target anyone. It was a burden of his to try to find a way to save some lives and this was the way he's gone, which Kaster didn't agree with. Kaster lived on GV and Bellevue and at one time there were rumble strips on the corner of GV and Heritage Road that he could hear just about any night, a couple miles away from him. They removed them but he always questioned how people could sleep with them right in front of their homes. As for drivers, he rides a motorcycle and thought about quitting because people drive through stop signs and red lights. He would entertain exploring different ways of doing things before going in this direction. He has said this before, if they were in front of his house he would be wild.

With regard to the proposed motion, Hemery informed that typically a supervisor would draft a resolution or he would by the direction of the committee and brought back to committee, more often than not there were changes and once the committee was satisfied they approved and County Board took it up. He didn't want to continue to deviate from what the County code says and what the procedures were unless they were a true urgent matter. Deslauriers informed this had been discussed since July 2018 and he didn't want to delay another month as it was a huge impact to residents. Going forward Hemery stated they had to start following their code and if there was possibly a fiscal affect removing rumble strips. Weininger informed this was a sense of the body resolution and he didn't assign fiscals usually.

Van Dyck spoke in support of the motion of a resolution. He agreed with Kaster, he understood the authority the director had but didn't necessarily appreciate the fact that one individual had the ability to make those type of decisions that affect the number of residents these seem to be affecting. He would hope that if the directive of the board would be to not do this that the director would then at least take that into consideration. He asked that at what point in time do they take their authority into account and serve the residents that were showing up and complaining about the rumble strips. He understood the need but they weren't going to stop them all and his fear, they could put rumble strips on intersection after intersection, was that what they really wanted in Brown County.

Tran wholeheartedly supported what Van Dyck stated, a resolution was more permanent. She had a lot of respect for Fontecchio, he was a good person and wasn't doing this to hurt anyone purposely but this was a compromise. People weren't saying take it away completely but asking to remove it away from their homes, the 500' recommended by the state DOT.

Dantinne will support, he was a town chairman about 25 years ago and they put in rumble strips at Finger Rd and T and residents complained and it lasted about 3-years. They were very noisy and he can simplify.

Motion made by Supervisor Deslauriers, seconded by Supervisor Kaster that Planning, Development and Transportation Committee direct Corporation Counsel to create a resolution with appropriate supporting whereas language for consideration at the November County Board meeting that the County Board recommends the following: That Brown County not install transverse rumble strips within 500' of homes and that Brown County remove transverse rumble strips within 500' of homes. Vote taken. MOTION CARRIED UNANIMOUSLY.

5. Communications from Supervisors Schadewald and Deslauriers: That a handicap accessible Family Bathroom be built in:

- a. All new Brown County facilities that include a public restroom.
- b. Existing Brown County facilities during any public restroom renovation project.

The Family (or single-stall) Restroom, usually located adjacent to the traditional 'Mens' and 'Womens' restrooms, is a separate facility which accommodates all ages, of either sex, along with their caregiver as needed. Referred from October County Board.

Motion made by Supervisor Deslauriers, seconded by Supervisor Tran to refer this to staff to report back to PD&T in January a family bathroom plan. Vote taken. MOTION CARRIED UNANIMOUSLY.

6. Communication from Supervisor Tran re: Review and possible action on safety standards for retention ponds (storm water ponds) and rodent controls. Referred from October County Board.

Motion made by Supervisor Tran, seconded by Supervisor Deslauriers to open the floor to allow interested parties to speak. Vote taken. MOTION CARRIED UNANIMOUSLY.

Erickson informed the county doesn't own retention ponds, the county did not have zoning and the municipalities determine what went on them.

Kris Riley – 5941 Ponderosa Cir., Wisconsin Rapids, WI

Riley informed she was the aunt of Dylun Tapio, the 12-year old who died in the retention pond in Kaukauna. She had provided a written proposal (attached) re: Proposed Legislation Regarding the Safety Measures of Retention/Detention Ponds, aka "Dylun's Law" and informed she had submitted it to several legislatures across the state requesting they review it and consider it however they need to to pass it on to municipalities, to county districts, to whoever will listen to provide safety measures so they can prevent this from happening to other people. She was asking for reasonable, low cost things that had been suggested by liability companies and people who build pools, etc. She was asking for safety measures in place for manmade retention ponds.

Van Dyck encouraged that lost control be present at the next meeting. He worked for a company with multiple ponds and lakes and he felt there were liability questions that needed to be addressed. It was a complicated issue and it might help to get some input.

Motion made by Supervisor Tran, seconded by Supervisor Deslauriers to hold until November PD&T. Vote taken. MOTION CARRIED UNANIMOUSLY.

Airport

7. Director's Report

- a. 12+ Hour Shift Report.
- b. Open Position Report.
- c. Honor Flight Recap.
- d. Annual FAA Certification Inspection.
- e. Delta Sky Club "Pop Up"
- f. Construction Projects.
 - i. Exit Lane Breach Control (ELBC).
 - ii. East Ramp Expansion to the West.

Motion made by Supervisor Tran, seconded by Supervisor Deslauriers to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY.

Public Works

8. Summary of Operations.

Motion made by Supervisor Dantine, seconded by Supervisor Tran to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY.

9. Director's Report.

Motion made by Supervisor Dantine, seconded by Supervisor Deslauriers to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY.

Port and Resource Recovery

10. Director's Report.

Motion made by Supervisor Deslauriers, seconded by Supervisor Dantine to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY.

Planning Commission

11. Resolution Authorizing Submittal of an Application for the Community Development Block Grant – Housing Program for Small Cities.

Motion made by Supervisor Dantine, seconded by Supervisor Tran to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY.**

Extension

~~12. Director's Report.~~

Other

13. Acknowledging the bills.

Motion made by Supervisor Tran, seconded by Supervisor Dantine to acknowledge receipt of the bills. Vote taken. **MOTION CARRIED UNANIMOUSLY.**

14. Such other matters as authorized by law. None.

15. Adjourn.

Motion made by Supervisor Dantine, seconded by Supervisor Kaster to adjourn at 10:52 pm. Vote taken.
MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,
Alicia A. Loehlein, Administrative Coordinator

2020 Budget Proposal Highlights Register of Deeds

New Initiatives

- ✓ We had one FTE and one PTE resign reducing staff costs by over \$100,000.
- ✓ This office has undergone a reorganization to save staff costs.
- ✓ Preservation and indexing of oldest vital records is ongoing. The Brown County Register of Deeds Office is the oldest in the State with the oldest birth record and recorded deed on file in our office.
- ✓ Back indexing of scanned real estate records is ongoing. To date we have back indexed all scanned documents to 1969.
- ✓ On October 15th the remaining images on Microfiche will be picked up and a new scanning project will commence. There are approximately 1 million images that need to be scanned in. The scanning will take about 3 months to complete and then all the images will be downloaded into the back indexing queue for back indexing. Scanning the older documents will allow Property Listing to link the document into the document history portion of the Property Summary Report. Once the scanned documents are linked, the public will be able to click on the document number and retrieve the document. This will also allow Planning and Land Services, Treasurer, Sheriff, Municipalities and outside users to get a complete history of the property without having to search it at the Register of Deeds office. Once completed this project will also add value to customers that already pay for a monthly subscription by adding documents that can be accessed remotely. We hired an LTE to complete this ongoing project.
- ✓ There is an ongoing mission to get all customers to e-record their real estate records. E-recording saves staff time and also saves money on paper, postage and ink. We currently e-record about 55% of the real estate documents that get recorded. This is a 3% increase over last year.
- ✓ As an added value to customers, county users and municipal users we have created a new Certified Survey Map Index. This allows searchers to search by the Certified Survey Map number to find the history of a parcel. Previously when a document with a Certified Survey Map legal description was recorded a searcher would have to search what that legal came out of adding to the documents needed to sift through to form a chain of title. Currently this index is back through October 2017 and is added to daily.
- ✓ Customer service remains a top priority at the Register of Deeds. We reduced the amount of real estate documents being rejected and implemented a tracking system for any documents that do not conform to Wisconsin Statutes. Drop off customers are now contacted if they have a document rejected and waiting for pickup.
- ✓ I do offer training sessions on Laredo. So far about 5 customers have taken me up on that offer.

Revenues

- ✓ In 2020 we project collecting \$150,000 in Internet Access Fees (Laredo). We project paying Fidar \$49,000 for their portion of the fees. This would leave us with a projected revenue of \$101,000.00.
- ✓ Tapestry & Monarch usage has also increased, we project \$60,000.00 in revenue for 2020.

- ✓ Transfer Fees have steadily increased over the last few years, we are projecting this trend to continue in 2020. This is due to properties selling at higher prices and commercial sales.
- ✓ Recordings remain steady. We are on target to record the same amount of documents as last year which was 35,800.
- ✓ We have had an increase in the sale of Vital Records since the implementation of state wide issuance for Birth Certificates in January of 2017. We are projecting an increase in 2020 due to statewide issuance of Marriage Certificates which is estimated to go live in January of 2020.

Expenses

- ✓ Register of Deed portion Real Estate maintenance agreement is increasing \$5,040 from 2019. This was done to help the LIO Budget; the annual maintenance fee is paid in part by the Register of Deeds and LIO. Annual total \$68,839; \$19,479 paid by Register of Deeds and \$49,360 paid by LIO.
- ✓ Chargebacks – indirect cost increased \$600, Intra-county expense Technology increased \$1,900 and intra-county expense insurance increased \$1,803.
- ✓ Technology Services chargeback – maintenance agreement software \$4,975 for two SQL licenses and \$660 for 4 Adobe Pro licenses.
- ✓ Repairs and Maintenance is \$2704-\$1025 maintenance on Scan Pro, \$479 maintenance on 3 Fujitsu scanners, \$1000 purchase & maintenance of 2 Canon scanners for vital records staff and \$200 for miscellaneous repairs.

PLANNING COMMISSION

Brown County

305 E. WALNUT STREET, ROOM 320
P.O. BOX 23600
GREEN BAY, WISCONSIN 54305-3600

PHONE (920) 448-6480 FAX (920) 448-4487
WEB SITE www.co.brown.wi.us/planning



CHUCK LAMINE, AICP

PLANNING DIRECTOR

MEMORANDUM

DATE: October 21, 2019
TO: Brown County Planning Development & Transportation Committee
FROM: Chuck Lamine, Planning Director 
RE: Proposed 2020 Brown County Planning & Land Services Department Budget

Please find attached the proposed 2020 Budget for the Brown County Planning and Land Services (PALS) Department which includes all divisions of the PALS Department (Planning, Property Listing, Land Information Office, Housing Authority & Zoning). The Planning Commission portion of the budget has been reviewed and recommended for approval by the Brown County Planning Commission Board of Directors at their meeting on October 2, 2019.

Planning & Land Services Department Budget highlights are as follows:

Initiatives

County Aerial Orthophotography Project – The department will contract for aerial orthophotography to publish a new, map-accurate aerial orthophoto for use by county staff, municipal, state and federal agencies, and the public. This orthophoto will be a GIS map layer that will meet tight specifications for map accuracy so that it can be used for a variety of mapping projects across the county including planning, engineering design, land use determinations, utility locations, and base map updates.

Topographic Mapping Project (1-foot contours from LiDAR) – This project will produce detailed topographic mapping for the entire county. This data will be used for many projects including floodplain map updates, storm water management plans, engineering and construction projects, and planning activities. The project will be funded by contributions from the federal government (FEMA and/or USGS), state grants, municipalities, county departments, and others.

Intergovernmental Revenue – Increase is the result of the following:

1. Transportation Planning Grant increased \$30,000, as more planners will be working on items related to this grant in 2020.
2. Coastal Management Grant for \$15,000 is new in 2020 for the Planning and Land Services department to study Baird Creek water quality and preservation of that creek corridor.
3. All Hazard Mitigation Grant will be taken over from Emergency Management in 2020 in the amount of \$27,000.



Turning
Brown

4. Brown County took over the Brown County Housing Authority as of January 1, 2019, which yielded approximately \$120,000 of additional revenue.
5. In 2020, the PALS department will be creating a Comprehensive Plan for the City of De Pere for an additional \$20,000 in revenue.
6. The PALS department will also be preparing the Village of Wrightstown Bike and Pedestrian Plan for around \$9,500 in revenue.

Miscellaneous Revenue – Decrease directly relates to a prior year budget adjustment to fund the purchase of capital items to provide transportation services to seniors and individuals with disabilities within Brown County through Specialized Transportation Assistance (Sec. 85.21) Program Trust dollars.

Other Financing Sources – Decrease relates to the following:

1. \$54,692 transfer for a carryover of funds in 2019 for Planning and Zoning vehicle replacement.
2. \$32,121 transfer for 2019 wage increases
3. \$57,000 decrease due to the All Hazard Mitigation Grant moving from Transfer In Wages to Federal Grant Revenue mentioned above
4. The LIO will no longer be covering any wages for Property Listing, resulting in a \$24,000 decrease in 2020.
5. The completion of non-metallic mining inventories as well as the Land information and Tax Collection System Project in 2019 will reduce Transfers in by \$10,000 in 2020.

Personnel Costs – Increase is the net effect of wage increases, bringing in new employees at lower rates, and the addition of a Housing Administrator for the Brown County Housing Authority which was funded in 2019 but not included in the budget and a new Economic Development Director position in 2020 as well as an increase in pay for the Assistant Zoning Administrator position due to an evaluation for exemption based on the professional nature of job duties and supervisory responsibilities for this position.

Outlay – Decrease is due to vehicle purchases in 2019.

CL:km
Attachments

PORT & RESOURCE RECOVERY DEPARTMENT

Brown County

2561 SOUTH BROADWAY
GREEN BAY, WI 54304

PHONE: (920) 492-4950

FAX: (920) 492-4957

DEAN R. HAEN

DIRECTOR

MEMORANDUM

To: Members of Harbor Commission, Solid Waste Board and
Planning, Development & Transportation Committee

From: Dean R. Haen, Director

Re: 2020 Budget

The Port & Resource Recovery Department budget is separated into the Port, Harbor Fee, Harbor 217, Waste Transfer Station, Gas-To-Energy, Hazardous Material Recovery, Recycling, Closure and General Office cost centers. The Port area and the Resource Recovery area of the department budgets are separate. Expenses and revenues are budgeted directly to their specific cost centers. General office expenses including staffing are passed on to the appropriate cost centers by an intra-fund transfer based on the percentage of Department FTE employees working in that particular cost center.

2020 Budget Overview

RESOURCE RECOVERY AREA

SOLID WASTE

- The Solid Waste area utilizes a tiered tipping fee system. The Preferred Contract rate and Contract rate are contractually bound to no more than the increase based on the change in the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers from June 2018 to June 2019 which was a 1.44% increase. Brown County will increase the tipping fee to the actual CPI increase each of the next two years in an effort to minimize the forecasted \$8.00/ton increase as a result of constructing and operating the new South Landfill. The forecasted \$8.00/ton increase will be reduced by strategically using the rate stabilization fund under the advisement of customers and Solid Waste Board.

Solid Waste Transfer Station Customers

	2019 Rate	CPI Change (1.44%)	2020 Rate	2020 Actual Change
Preferred Contract Rate (/ton)	\$43.00	\$0.61	\$43.61	1.44%
Contract Rate (/ton)	\$44.50	\$0.64	\$45.14	1.44%
Gate Rate (/ton)	\$49.00	N/A	\$50.00	2.0%

Direct Delivery Customers

	2019 Rate	CPI Change (1.44%)	2020 Rate	2020 Actual Change
Preferred Contract Rate (/ton)	\$36.50	\$0.53	\$37.03	1.44%
Contract Rate (/ton)	\$36.50	\$0.53	\$37.03	1.44%

The tiered tipping fee system provides long-term and high tonnage customers with the best available tipping fees. All municipal customers of Brown County are eligible for the Preferred Contract rate no matter their tonnage level. Customers with short-term contracts and/or low tonnage are eligible for the Contract rate. Customers with no commitment to Brown County are offered the Gate rate.

Brown County continues to experience an increasing number of small users of the Solid Waste Transfer Station. This is likely the result of municipalities charging for bulk pick-up. The congestion continues to increase at the scale house and within the transfer station from residential customers. Additional staffing on Saturdays is scheduled to help traffic and process customers. Minimum delivery charge will increase from \$21.00 to \$22.00 for up to 880 lbs.

- The BOW landfill at Outagamie County will not see an increase in landfill tipping fees.
- South Landfill excavation will begin estimated at \$6M. Initial staff needs will include a Resource Recovery Technician for construction supervision and a Landfill Manager in late 2020 for overseeing 2021 landfill and ancillary facilities construction. The lower level of the Recycling Transfer Station will be remodeled with cubicles and computer equipment estimated at \$25,000.
- After DNR review and comments on the South Landfill Plan of Operation submittal, additional engineering work estimated at \$50,000 is being budgeted.
- Replace WLF leachate tank estimated at \$150,000
- Install new candlestick flares at the East and West landfill as a result of reducing gas flow estimated at \$235,000
- Replacement of West Landfill 4-wheeler with a UTV is budgeted at \$28,000.
- Evaluate and consider extending BOW Cooperative Landfill Plan beyond the South Landfill.
- Added Special Handling Fee \$25.00 to assist customers removing frozen loads at solid waste transfer station.

RECYCLING

- Recycling is state law, provides well-known environmental benefits and is better than landfilling the valuable resources. World markets for recycling commodities have significantly declined from averaging \$100/ton in previous years to \$36/ton in June 2019,

requiring Brown County to charge for recyclables. Brown County is anticipating the markets to remain depressed and is budgeting a \$30/ton charge to cover the difference in processing costs/ton and commodity revenue/ton.

- Brown County has adjusted the Recycling TIP Fee Tiers to better align with the rates at the BOW Single Stream Recovery Facility. This allows for a better rate to municipal partners who bring in higher value residential material while ensuring that the cost of lower value commercial material is covered.
- The BOW Single Stream Recycling Facility will enter its 11th full year of operation in 2020. The facility processes more than 110,000 tons/yr. and is beginning to replace the original equipment. Capital investment will be paid by each county using proceeds from the sale of recyclables retained in a capital reserve fund.

HAZARDOUS MATERIAL RECOVERY (HMR)

- The HMR program will continue to work on growing VSQG business users and renegotiating contracts with partners to reduce program costs.
- Replacement of the HMR forklift is expected to cost \$35,000.
- The HMR program is budgeting \$18,630 in Clean Sweep, Ag Clean Sweep and Drug Grants from WI-DATCP. The total grant will be in the amount of \$52,310 with the difference being distributed directly to the partner counties.

PORT AREA

- Pursue acquisition or other involvement in the future use of the WE Energies Pulliam Plant to ensure property is used for its highest and best uses as industrial port property.
- Budgeting to contribute towards an Economic Development Manager position, should Brown County have an ownership role. Duties would include pursuing and applying for grants, permitting, market research and other efforts associated with developing the WPS Pulliam Plant into port facilities and an intermodal facility.
- Implementing the Renard Island End-Use Plan. Begin implementing approved End-Use Plan, leasing land, forging partnerships and pursuing grants.
- Assist and facilitate in establishing Green Bay as a cruise ship destination. Several port calls are scheduled for 2020.

If you would like to discuss any of this in more detail, please contact me at Dean.Haen@BrownCountyWi.gov or at (920) 492-4950.

Sincerely,



Dean Haen
Director

Extension Brown County 2020 Budget Presentation

New Initiatives

Delivering Education to Non-custodial Parents. A new partnership between Brown County Child Support Agency (CSA) and Extension Brown County has developed between these two organizations. Brown County CSA is a participant in a five county demonstration project aimed at providing non-custodial parents with employment and parenting services in an effort to improve court ordered child support payment remittance. Extension will be responsible for providing parenting education to non-custodial parents.

Closing the STEM Gap for Girls. Careers in STEM are critical in shaping the world we live in and solving some of its biggest challenges. The U.S. Bureau of Labor Statistics predicts that technology professionals will experience the highest-growth in job numbers between now and 2020. Despite the high priority placed on these subjects in school, only a fraction of girls and women are likely to pursue them. Girls lose interest in STEM and computer science as time goes on. In middle school, 31% of girls believe that jobs requiring coding and programming are “not for them.” In high school, that percentage jumps to 40%. Extension Brown County will collaborate with community partners to bring high quality and diverse STEM program experiences to girls in Brown County, demonstrating the relevancy of STEM as they select career paths.

Ongoing Initiative

Urban Gardening/Small Scale Producers Programming. Provide educational programming to meet the needs of urban gardeners of all ages (youth and adults) as well as small scale producers. Provide opportunities for networking and connection to mentors to foster learning. Focus on this initiative will be on enhancing community sustainability, reducing food insecurity in urban areas, and importance of consuming healthy, nutritious, culturally appropriate foods.

Capital Projects

NA

Revenue

Staffing

- Adjusted salaries for some LTE staff as these positions are funded with external revenue i.e. Master Gardener Volunteer Coordinator, Invasive Species Coordinator, and Invasive Species Aide.
- Reduce Clerk/Typist I position from 1.0 FTE to .5 FTE (transfer in wages revenue decrease by 25%)
- Will hire two additional after school instructors to meet increased demand for STEM Programming requested by Green Bay Area Public Schools.

State/Federal Aid

- Reduced for 2020. Extension will be writing for appropriate grants as they become available in 2020.

Other Grants

- Currently have a grant from the Green Bay Community Foundation that will extend into 2020 for Teen Market Garden Project.

October 16, 2019

**AN ORDINANCE TO AMEND CHAPTER 26
OF THE BROWN COUNTY CODE OF ORDINANCES
(ANIMAL WASTE MANAGEMENT)**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Chapter 26 is hereby amended as follows:

CHAPTER 26

ANIMAL WASTE MANAGEMENT

26.01 AUTHORITY. This ordinance is adopted under authority granted under Section 59.70(1), 92.15 and 92.16 of the Wisconsin Statutes. The title of this ordinance is "Brown County Animal Waste Management Ordinance" and it regulates design, construction, abandonment and maintenance of animal waste storage facilities, animal feedlots, and nutrient management.

26.02 FINDINGS AND DECLARATION OF POLICY. The Brown County Board finds this ordinance is designed to protect and promote our agricultural industry and also to promote and enhance the aesthetic conditions and general welfare of the people and communities within Brown County.

The County of Brown permits operation of properly conducted agricultural operations within the county. If the property you are purchasing or own is located near agricultural lands of operation or included within an area zoned for agricultural purposes, you may be subject to outcomes arising ~~from~~ from such operations. Such outcomes may include, but are not limited to: noises, odors, lights, fumes, dust, smoke, insects, chemicals, operation of machinery (including aircraft) during an 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the outcomes described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such outcomes as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. Brown County has established the Land Conservation Sub-Committee to assist in the resolution of any animal waste management disputes which might arise between residents of the county regarding agricultural operations.

26.03 PURPOSE. The purpose of this ordinance is to regulate the location, construction, installation, alteration, design and use of animal waste storage facilities and animal feedlots so as to protect the health and safety of residents and transients; prevent the spread of disease and promote the prosperity and general welfare of the citizens of Brown County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation. It is also intended to protect the groundwater and surface water resources of Brown County. The ordinance also implements the agricultural performance standards and manure management prohibitions.

26.04 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Brown County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

26.05 SEVERABILITY CLAUSE. If any section, provision or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered ineffective.

26.06 APPLICABILITY. This ordinance applies only in unincorporated areas of Brown County and incorporated areas of Brown County which have delegated such authority to Brown County. Abandonment requirements apply to all animal waste storage facilities regardless of the date of construction. Nutrient Management Plan (590) provisions shall apply to all animal waste storage facilities issued a permit under this ordinance regardless of the date of construction. Animal feedlot requirements shall apply only to sites that exceed the prohibitions in section 26.11 of this ordinance or the standards in Section 10.04(1)(b), Brown County Code; or receive a notice of discharge under ch. 283 Wis. Statutes; or existing sites that exceed 500 animal units; or new animal feedlots that exceed 40 animal units.

26.07 EFFECTIVE DATE. This ordinance shall become effective upon adoption and publication by Brown County.

26.08 DEFINITIONS. Definitions herein are to conform to the provisions set forth in the Wisconsin Administrative Code and Brown County Code.

"Abandonment" means a livestock waste storage facility is no longer being used for its intended purpose, and is no longer receiving animal wastes, has not received any animal wastes for a period of two years and, based on available evidence, will not receive animal wastes from an active livestock operation within the next six months.

"Animal Feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals, specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts. New animal feedlots are those that are established after the effective date of this ordinance.

"Animal Unit" means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in NR243, which are fed, confined, maintained, or stabled in an animal feeding operation.

"Animal Waste" means livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers and other debris normally included in animal waste handling operations.

"Animal waste storage facility" means concrete, steel or otherwise fabricated structure and earthen animal waste storage facility used for temporary storage of animal waste or other organic waste.

"Applicant" means any person who applies for a permit under this ordinance.

"Brown County Land Conservation Sub-Committee" means an operating committee of the Brown County Board of Supervisors.

"Brown County Land and Water Conservation Department" means the enforcing authority of this ordinance.

"Clean water diversion" has meaning in s. NR 151.06

"Direct conduits to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

"Direct runoff" includes any of the following:

- (a) Runoff from a feedlot that can be predicated to discharge a significant amount of pollutants to surface waters of the state or to a direct conduit to groundwater.
- (b) Runoff of stored manure, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit to groundwater.
- (c) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with s. NR 154.04 (3)
- (d) Discharge of a significant amount of leachate from stored manure to waters of the state.

"Earthen animal waste storage facility" means a facility constructed of earth dikes, pits or ponds used for temporary storage of animal waste.

"Karst Feature" means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

"Land Conservation Committee" means an operating committee of the Brown County Board of Supervisors.

"Land Conservation Department" means the enforcing authority of this ordinance.

"Liquid Manure" means manure that contains less than 12 percent solid material by volume.

"Manure" means livestock excreta. "Manure" includes the following when intermingled with excreta in normal farming operations: debris including livestock bedding, water, soil, hair, feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process water; and runoff collected from barnyards, animal lots and feed storage areas.

"Manure storage facilities" has meaning given in NR 151.05.

"Navigable water" and "navigable waterway" has the meaning given in s. 30.01 (4m), Stats.

"Nonpoint source" has the meaning given in s. 281.65 (2)(b), Stats.

"Nonpoint source water pollution" has the meaning given in s. 281.16 (1) (f), Stats.

"Nutrient management" has given meaning in s. NR 151.07 and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

"Nutrient Management Plan (590)" means a plan that balances the nutrient needs of a crop with the nutrients available from legume crops, manure, fertilizers or other sources. Management includes the rate, method, and timing of the application of all sources of nutrients to minimize the amount of nutrients entering surface and groundwater. The requirements for a nutrient management plan are as established in ATCP 50.04(3).

"Other Waste" means industrial waste as defined in NR214 Wis. Adm. Code, domestic sewage sludge as defined in NR204 Wis. Adm. Code, septic or holding tank waste as defined in NR113 Wis. Admin. Code or any other material processed and mixed with animal waste to be stored pursuant to the Brown County Animal Waste Management Ordinance.

"Pasture" means land with a permanent, uniform cover of grasses or legumes used as forage for livestock. Pastures do not include areas where supplemental forage feeding is provided on a regular basis.

"Permit" means the signed, written statement issued by the Brown ~~County Land~~ County Land and Water Conservation Department under this ordinance authorizing the applicant to construct, install, reconstruct, enlarge or substantially alter an animal waste storage facility or animal feedlot; or authorizing a winter spreading plan or unconfined manure pile.

"Permittee" means any person to whom a permit is issued under this ordinance.

"Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.

"Phosphorus Index" has given meaning in NR 151.04.

"Process wastewater" has the meaning given in s. NR243.03 (53).

"Sheet, rill and wind erosion" has given meaning in s. NR 151.02

"Silurian bedrock" means the area in Wisconsin where the bedrock consists of Silurian dolomite with a depth to bedrock of 20 feet or less. This area comprises portions of the following counties: Brown, Calumet, Dodge, Door, Fond du Lac, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha. Areas where Silurian bedrock occurs in Wisconsin can be identified by the most current NRCS, Wisconsin Geological Natural History Survey, Department of Agriculture, Trade and Consumer Protection, Department of Natural Resources, county maps, or infield bedrock verification methods

"Silurian bedrock performance standards" has meaning in s. NR 151.075.

"Site that is susceptible to groundwater contamination" under s.281.16 (1)(g), Stats., means any one of the following:

- (a) An area within 250 feet of a private well.
- (b) An area within 1000 feet of a municipal well.

(c) An area within 200-300 feet upslope or 100 feet downslope of karst features direct conduit to groundwater.

(d) A channel ~~with a cross sectional area equal to or greater than 3 square feet that flows to a karst feature~~ that flows to a direct conduit to groundwater.

(e) An area where the soil depth to groundwater or bedrock is less than 2 feet.

(f) An area where the soil does not exhibit one of the following soil characteristics:

1. At least a 2-foot soil layer with 40% fines or greater above groundwater or bedrock.
2. At least a 3-foot soil layer with 20% fines or greater above groundwater or bedrock.
3. At least a 5-foot soil layer with 10% fines or greater above groundwater or bedrock.

"Substantial alteration" means a change that results in a relocation of, or significant changes to the size, depth, configuration or use as determined by the Department.

"Technical Guide" means the United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service Field Office Technical Guide that is currently in effect, and as amended from time to time.

"Tillage setback" has meaning given in NR 151.03

"Unconfined Manure Pile" means a quantity of manure, at least 175 cu.-ft.-ft³ in volume and which, that covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

"Waters of the State" means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water and groundwater, natural or artificial, public or private within the state or its jurisdiction as defined in Section 147.015(26)283.01(20) of the Wisconsin Statutes.

"Water Quality Management Areas" means the area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

"Winter Spreading Plan" means any plan developed and approved by the Brown ~~County~~ Land County Land and Water Conservation Department and provided to farmers, which identifies high risk fields that should be completely avoided or restricted from receiving winter applications of manure.

26.09 ADMINISTRATION.

(1) Delegation of Authority. Brown County hereby designates the Brown ~~County~~ LandCounty Land and Water Conservation Department to administer and enforce this ordinance.

(2) Administrative Duties. In the administration and enforcement of this ordinance, the Brown County LandCounty Land and Water Conservation Department shall:

(a) Keep an accurate record of all permit applications, animal waste facility plans, animal feedlot plans, animal waste storage facility abandonment plans, permits issued, inspections made, and other official actions.

(b) Review permit applications and issue permits in accordance with Section 26.10 of this ordinance.

(c) Inspect animal waste facility and animal feedlot construction and animal waste facility abandonment to insure the facility is being constructed according to plan specifications.

(d) Animal waste storage facility inspections are required for operations with 500 animal units or greater on site. An inspection report will be generated to document and confirm the operation is in compliance with state, federal, and local standards and prohibitions.

(de) Investigate complaints relating to compliance with the ordinance.

(ef) Monitor the adequacy of manure storage systems including compliance with nutrient management plans.

(fg) Perform other duties as specified in this ordinance.

(3) Inspection Authority. The Brown ~~County~~ LandCounty Land and Water Conservation Department is authorized to enter upon any lands affected by this ordinance to inspect the land prior to or after permit issuance to determine compliance with this ordinance. If permission cannot be received from the applicant or permittee, entry by the Brown ~~County~~ LandCounty Land and Water Conservation Department shall be according followed according to Sections 66.122 and 66.123, Wisconsin Statutes

(4) Implementation. The Brown ~~County~~ Land and Water Conservation Department will implement this ordinance in accordance with NR151.09 and NR151.095.

26.10 APPLICATION FOR AND ISSUANCE OF PERMITS.

(1) Permit Required.

(a) No animal waste storage facility, including a facility combining animal waste with other waste or parts thereof may be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or its use changed, including abandonment, without an animal waste management permit as provided in this ordinance, and without compliance with the provisions of this ordinance, and without compliance with Natural Resources Conservation Service Technical Guide as adopted as part of this ordinance.

(b) Animal feedlots that exceed the prohibitions in Section 26.11 of this ordinance, or exceed the standards in Section 10.04(1)(b) of the Brown County Code, or receive a notice of discharge under ch. 283 Wis. Statutes, or exceed 500 animal units shall obtain an animal waste management permit as provided in this ordinance.

(c) The requirements of this ordinance shall be in addition to any other ordinance regulating animal waste management, such as Chapter 22 Brown County Code, Shoreland Floodplain Ordinance, and Chapter 10 Brown County Code, Agricultural Shoreland Management ordinance. In the case of conflict, the most stringent provisions shall apply.

(d) No person may apply animal waste or animal waste combined with other waste/material between December 1st and March 31st without first obtaining a winter spreading permit as provided in this ordinance. The winter spreading permit shall be issued after the completion of the winter spreading plan as described in this ordinance. Operations with a permitted animal waste storage facility and adequate storage capacity are only eligible to be issued a winter spreading permit in emergency circumstances. Emergency conditions include adequate storage is being fully utilized by manure, extraordinary weather or other unforeseen circumstances.

(e) No unconfined manure pile shall be utilized without a temporary unconfined manure stacking permit as provided in this ordinance, and without compliance with the provisions of this ordinance, and without compliance with Natural Resources Conservation Service Technical Guide as adopted as part of this ordinance.

(2) Emergency Repairs. Emergency repairs such as repairing broken pipe or equipment, leaking dikes or the removal of stoppages may be performed without an animal waste storage facility permit. Such work shall be reported to the Brown County Land and Water Conservation Department as soon as possible for a determination as to whether an animal waste storage facility permit will be required for an additional alteration or repair to the facility. The Brown County Land and Water Conservation Department shall consult with the Brown County Land Conservation Sub-Committee prior to making this determination.

(3) Fee. The fee for a permit or inspection under this ordinance shall be established through the annual budget process.

(4) Animal Waste Storage Facility Plan Requirements. Each application for a -permit under this section shall include an animal waste storage facility or transfer system plan. Such plans shall meet all applicable USDA, NRCS technical standards and at a minimum include the following:

~~The plan shall specify:~~

(a) The number and kinds of animals for which storage is provided.

(b) A sketch of the facility and its location in relation to buildings within two hundred fifty (250) feet and homes within five hundred (500) feet of the proposed facility. The sketch shall be drawn to scale, with a scale no smaller than one inch equals one hundred (100) feet.

(c) The structural details including dimensions, cross sections, and concrete thickness.

(d) The location of any wells within three hundred (300) feet of the facility.

(e) The soil test pit locations and detailed soil descriptions to a depth of at least three feet below the planned bottom of the facility required in Standards 313 and 634, USDA NRCS Technical Guide.

(f) The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.

(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater such as exposed bedrock or sinkholes. If a navigable body of water lies within five hundred (500) feet of the facility, the location and distance to the body of water shall be shown.

(h) The scale of the drawing and the North arrow.

(i) A time schedule for construction of the facility.

(j) A description of the method in transferring animal waste into the facility.

(k) A recoverable benchmark(s) including elevation(s) expressed in feet and hundredths.

(l) A preliminary Nutrient Management Plan, verifying the ability of the permittee to comply with Standard 590. A Nutrient Management Plan checklist will be ~~completed-reviewed~~ by the Brown County Land and Water Conservation Department for this purpose.

(m) Landowners must plan and document the availability of acceptable acreage of cropland per animal unit for all future expansions of their livestock operations. Use either Phosphorus Index (PI) or Soil Test Phosphorus Management Strategy found in the most current Conservation Practice Standard NRCS 590 Nutrient Management. A Nutrient Management Checklist will be ~~completed-reviewed~~ by the Brown County Land and Water Conservation Department for this purpose.

(n) Prior to issuance of a permit, the landowner must disclose any intention to store animal waste with other waste in the storage facility.

(o) Other conditions to current standards

(5) Animal Feedlot Plan Requirements. Each application for a permit under this section shall include an animal feedlot facility plan. The plan shall specify:

(a) A plan map showing location of the facility, including buildings, homes, and wells within 300 feet of the proposed site. The sketch shall be drawn to scale, with a scale no smaller than 1 inch: 100 feet.

(b) The location of any wells within 300 feet of the facility.

(c) The location of all soil test pits, including a detailed log of each pit, to a depth of at least 3 feet below the planned bottom elevation of the facility. The location of each test pit, prior to digging, and the log descriptions of each pit, as it is excavated, shall be determined and recorded, ~~by Brown County Land Conservation Department staff.~~

(d) Depth of high ground water, estimated or observed, in the soil profile and date determined.

(e) Depth to bedrock, estimated or observed

(f) Ground contours (2 foot maximum intervals), with spot elevations indicating land slope at and around the site for a minimum distance of 100 feet.

(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface and ground water such as exposed bedrock or sinkholes. The location of any navigable body of water within 500 feet of the proposed site must be shown. Rivers and streams in Brown County shall be presumed to be navigable if they are designated as continuous waterways or Intermittent waterways on U.S. Geological Survey (USGS) quadrangle maps.

(h) Description of the type(s) of materials the facility is to consist of; size, dimensions, and cross sections of the facility, and any other specific details including, but not limited to, concrete thickness in floor and walls, steel schedules, and fencing.

(i) A time schedule for construction of the facility.

(j) Scale of the plan drawing(s) and north arrow.

(k) Description of bench mark(s) including elevation(s) expressed in feet and hundredths.

(l) Landowners must plan and document the availability of acceptable acreage of cropland per animal unit for all future expansions of their livestock operations. Use either Phosphorus Index (PI) or Soil Test Phosphorus Management Strategy found in the most current Conservation Practice Standard NRCS 590 Nutrient Management. A Nutrient Management Checklist will be ~~completed~~ reviewed by the Brown County Land and Water Conservation Department for this purpose.

(6) Animal Waste Storage Facility Abandonment Plan Requirements. Each application for a permit under this section shall include an abandonment plan. The plan shall specify:

(a) The abandonment plan may include provisions for future operation of the animal waste storage facility. The facility shall meet the standards and specifications in Section 26.11 of the ordinance and shall have a permit issued under this ordinance. Facilities not meeting this requirement shall be properly abandoned under this section.

(b) A preliminary Nutrient Management Plan, verifying the ability of the permittee to comply with Standard 590. A Nutrient Management Plan checklist will be completed by the Brown County Land and Water Conservation Department for this purpose.

(c) Provisions to remove and properly dispose of all accumulated wastes in the manure facility.

(d) Provisions to remove any concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner as clean fill at the site.

(e) Provisions to remove and properly dispose of any soil saturated with waste from the manure storage facility.

(f) Provisions to remove any soils, to the depth of significant manure saturation or 2 feet whichever is less, from the bottom and sides of a facility without a constructed liner.

(g) Provision to remove or permanently plug the waste transfer system serving the manure storage facility.

(h) Covering all disturbed area with topsoil, seeding the areas with a grass mixture, and mulching the seeded area. This subdivision does not apply if an alternative use

of the site is authorized under an abandonment plan approved by the Brown eCounty Land and Water Conservation Department or town as part of the permit.

(7) Winter Spreading Plan Requirements. Each application for a permit under this section shall include a Winter Spreading Plan. The plan shall specify:

(a) The lowest risk fields for the application of winter spread manure based on slope, length of slope, soils, and depth to bedrock. Permitting shall be based on NRCS 590 winter spreading criteria found in NRCS 590 IV.A.2d.

(b) Specify rates of application and applicable setbacks from the nearest surface waters and/or direct conduit to groundwater as determined by Brown ~~County Land~~ County Land and Water Conservation Department.

(c) The plan must include a description of the emergency response procedures that will be engaged immediately in the event of direct runoff related to the spreading of animal waste as approved by the Brown County Land and Water Conservation Department.

(d) Only maps ~~prepared~~ approved by Brown ~~County Land~~ County Land and Water Conservation Department, using GIS technology, may be used to identify appropriate fields for animal waste applications.

(e) For the purpose of this practice winter spreading plans shall take effect no later than December 1st prior to the winter for which the plan is developed and continue through the following March 31st unless animal waste can be effectively incorporated.

(f) The landowner shall maintain an accurate record of the date, location, and rate of application for every application of manure on the land that is subject to the winter spreading permit. The record shall be made available to the Brown ~~County Land~~ County Land and Water Conservation Department upon request and shall be retained by the landowner for one year following the date of application.

(8) Temporary Unconfined Manure Stacking Requirements. Each application for a permit under this section shall include a site plan. The plan shall specify:

(a) Waste consistencies. ~~Waste materials having less than 16% solids shall not be stacked in the field.~~

(b) Size and stacking period.

(c) Hydrologic Soil Groups.

(d) Subsurface Separation Distance.

(e) Surface Separation Distances.

(9) Review of Application. The Brown County Land and Water Conservation Department shall receive and review all permit applications.

(a) The Brown County Land and Water Conservation Department shall determine if the proposed facility meets the required standards set forth in Section 26.11 of this ordinance. Within sixty days after receiving the completed application and fee, the Brown County Land and Water Conservation Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional

Information is required, the Brown County Land and Water Conservation Department has thirty days from the receipt of the additional information in which to approve or disapprove the application. If the Brown County Land and Water Conservation Department fails to approve or disapprove the permit application in writing within sixty days of the receipt of the permit application or within thirty days of the receipt of additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

(b) Prior to approval or disapproval of the permit application, the Brown County Land and Water Conservation Department shall submit a copy of the proposed plan(s) to the town office of the town where the site is located for their review and/or approval if appropriate.

(10) Permit Conditions. All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

(a) Design, construction and management shall be carried out in accordance with the animal waste facility plan and applicable standards specified in Section 26.11 of this ordinance.

(b) The permittee shall give five (5) working days notice to the Brown County Land and Water Conservation Department before starting any construction activity authorized by the permit.

(c) Approval in writing must be obtained from the Brown County Land and Water Conservation Department prior to any modifications to the approved animal waste facility plan.

(d) The permittee and, if applicable, the contractor, shall certify in writing by signing the certification sheet that the facility was installed as planned and designed. A copy of the signed certification sheet shall be mailed to the Brown County Land and Water Conservation Department within thirty days of completion of installation.

(e) Activities authorized by permit must be completed within two years from the date of issuance after which such permit shall be void.

(f) Nutrient management plans shall be submitted to the Brown County Land and Water Conservation Department annually by June 1.

(11) Permit Revocation. The Brown County Land and Water Conservation Department may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or animal waste facility plan, or if the holder of the permit violates any of the conditions of the permit.

26.11 STANDARDS AND SPECIFICATIONS.

(1) Animal Feedlots. The standards and specifications for design, construction, operation and maintenance of animal feedlots are those identified in Standards 350 and 312, USDA-NRCS Technical Guide. Feedlots requiring a permit under this ordinance shall not allow direct runoff to waters of the state.

~~Feedlots requiring a permit under this ordinance shall not deliver more than 20 pounds of phosphorus annually as determined by the County Land Conservation Department.~~

~~(2) Animal Feedlot Separation Requirements. All new animal feedlots shall be sited a minimum of 100 feet from adjacent properties, 300 feet from any lake or perennial stream (as defined by U.S.G.S. quadrangle maps), and at least 2 vertical feet from groundwater.~~

~~(32) Animal Waste Storage Facilities. The standards and specifications for design, construction, operation, and maintenance of animal waste storage facilities are those identified in Standards 313 and 634, USDA-NRCS Technical Guide. The Standards and Specifications for abandonment/closure of animal waste storage facilities are those identified in Standard 360, USDA-NRCS Technical Guide.~~

~~(a) NRCS Standard 313 Waste Storage (NRCS WI 12/05) III Facility. Conditions Where Practice Applies. This standard does not apply to: facilities in which greater than 10% of the design storage volume or greater than 25,000 gallons is occupied by any combination of domestic waste, industrial wastewater generated offsite, or sludge. These types of facilities are defined and regulated under various codes administered by the Wisconsin Department of Natural Resources (WDNR): the storage of human waste, routine animal mortality, the unstacked waste that accumulates in animal housing units (barns) or animal production areas not intended to store waste.~~

~~(53) Nutrient Management. Animal wastes for which permits are issued under this chapter of the Code and all wastes from existing livestock waste storage facilities shall be managed and utilized in accordance with Standard 590, USDA-NRCS Technical Guide. A current (590) Nutrient Management Plan must be submitted annually to the Brown County Land County Land and Water Conservation Department by June 1st, until the animal waste storage facility is no longer in use and it has been properly abandoned.~~

~~ATCP 50.04 (3)(a) —~~

~~(a) A landowner shall have and follow an annual nutrient management plan when applying nutrients to any field after the date specified in par. (h). A nutrient management plan shall comply with this subsection. (Register November 2006 No. 611)~~

~~ATCP 50.04 (3)(b) —~~

~~(b) The plan shall include every field on which the landowner mechanically applies nutrients. (Register November 2006 No. 611)~~

~~ATCP 50.04 (3)(c) —~~

~~(c) A nutrient management planner qualified under s. ATCP 50.48 shall prepare or approve the plan. (Register November 2006 No. 611)~~

~~ATCP 50.04 (3)(g) —~~

~~(g) The plan shall be consistent with any nutrient management plan required under ch. NR 113, 204 or 214 if the landowner applies septage, municipal sludge, industrial waste or industrial byproducts to the land. A landowner is not required to have a nutrient management plan under this subsection if the landowner applies only septage, municipal sludge, industrial waste or industrial byproducts according to ch. NR 113, 204 or 214. (Register November 2006 No. 611)~~

~~Nutrient Management (acre) code 590 Natural Resources Conservation Service Conservation Practice Standard V. Criteria (NRCS WI, 9/05)~~

~~(j) Organic byproducts of other than manure (i.e., industrial wastes, municipal sludge, and septage) applied to fields shall be analyzed for nutrient content and applied in accordance with applicable regulations including restrictions on heavy metal content and land application rates.~~

~~(k) Manure, organic byproducts, and fertilizers shall not run off the field site during or immediately after application. If ponding, runoff or drainage to subsurface tiles occurs, implement the following activities as appropriate:~~

- ~~(1) Stop application.~~
- ~~(2) Take corrective action to prevent offsite movement.~~
- ~~(3) Modify the application (rate, method, depth of injection, timing to eliminate runoff or draining to subsurface tiles.~~

(64) Temporary Unconfined Manure Stacking Requirements. Each application for a permit under this section shall include plan specifications identified in Standard 3183, USDA - NRCS Technical Guide.

(57) Manure Management Prohibitions. The following prohibitions are incorporated into this ordinance:

- (a) All livestock producers shall comply with this section.
- (b) A livestock operation shall have no overflow of manure storage facilities.
- (c) A livestock operation shall have no unconfined manure pile in a water quality management area.
- (d) A livestock operation shall have no direct runoff ~~from~~ from a feedlot or stored manure into the waters of the state.
- (e) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover.
 1. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

(6) Agricultural Performance Standards. The following standards are incorporated into this ordinance as found in Administrative Rule NR151:

- (a) Sheet, rill and wind erosion
- (b) Tillage setback
- (c) Phosphorous index
- (d) Manure storage facilities
- (e) Process wastewater handling
- (f) Clean water diversion
- (g) Nutrient management
- (h) Silurian bedrock

26.12 VIOLATIONS. (1) Penalties. Any person who violates, neglects, or refuses to comply with or resists the enforcement of any provision of this ordinance shall be subject to a forfeiture of not less than \$250 ~~nor more than \$5,000~~ plus costs of prosecution of each violation. An unlawful violation includes failure to comply with any standard of this ordinance or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. Failure to obtain proper permit is considered a violation. Brown County ~~Land~~ County Land and Water Conservation Department shall refer all enforcements to the Brown County Corporation Counsel for commencement of enforcement action.

(2) Enforcement Actions, Temporary Restraining Orders and/or Other Necessary Remedial Action. As a substitute for or an addition to forfeiture actions, Brown County may seek enforcement of any part of this ordinance by Court Actions seeking injunctions or

restraining orders. Brown County has the right to recover all costs associated with manure runoff and spill recovery if responsible party or parties does not properly do so.

26.13 APPEALS. (1) Authority. Under authority of Chapter 68, Wisconsin Statutes the Brown ~~County Land~~County Land -Conservation Sub-Committee, created under Sections 59.878 Wisconsin Statutes and by the Brown County Board of Supervisors on May 19, 1982, acting as an appeal authority under Section 68.09(2) Wisconsin Statutes is authorized to hear and decide all appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Brown County Land~~County Land~~ and Water Conservation Department in administering this ordinance.

(2) Procedure. The rules, procedures, duties and powers of of Brown County Land Conservation Sub-Committee and Chapter 68 Wisconsin Statutes, shall apply to this ordinance.

(3) Who May Appeal. Appeals may be taken by any person having a substantial interest which is adversely affected by this order, requirement, decision, or determinations made by the Brown County Land~~County Land~~ and Water Conservation Department.

Section 2 - This ordinance shall become effective upon passage and publication pursuant to law.

Respectfully submitted,

LAND CONSERVATION SUB COMMITTEE

PLANNING DEVELOPMENT AND
TRANSPORTATION COMMITTEE

Approved By:

COUNTY EXECUTIVE (Date)

COUNTY CLERK (Date)

COUNTY BOARD CHAIR (Date)

19-1210

Authored by: Land and Water Conservation Department (Mike Mushinski County Conservationist)
Approved by: Corporation Counsel

Fiscal Note: This amendment does not require an appropriation from the General Fund

Proposed Legislation Regarding the Safety Measures of Retention/Detention Ponds, aka "Dylun's Law"

In addition to current legislation regarding retention and detention ponds, and similar manmade water constructs, the following shall be incorporated within thirty days of passage for all properties containing these structures within this governing authority's jurisdiction:

Property owner(s) must purchase and place rescue measures on site. Monthly inspection of items must be logged, to include date, time, any items that are damaged or missing, name of person inspecting, and the person's signature verifying accuracy of log entry. This log must be available upon request of appropriate authorities. Items requiring replacement must be replaced within thirty days of written notification of inadequacy. Local property inspections by governing authorities shall include their own inspection of these items on the same schedule as normal inspections and document required maintenance for property owners.

Minimum guidelines for incorporating safety measures are

1. At least one (1) floatation device and one (1) shoreline rescue tool for constructs of width and length no greater than fifteen (15) feet. An additional water rescue item is required per every two-hundred twenty-five square feet of surface area (225 sqft). For example, a construct with a width of thirty feet (30') and a length of thirty feet (30'), shall require one (1) floatation device, one (1) shoreline rescue tool, plus two (2) additional devices of either description placed within fifteen feet (15') of the shoreline. These devices may be kept in an unlocked storage unit for continuity of aesthetic qualities, if the storage is properly labeled and easily accessible to all who have access to the area.
 - *Items considered floatation devices include all certified rescue cans, tubes, buoys, rings, and collars a person could grasp and continue to hold, maintaining their heads above water, until rescue, or bringing self to shore.
 - *Items considered shoreline rescue devices include certified: water tethers, rescue rope, rescue hooks, and similar pieces.
2. A CPR mask is to be included with standard first aid kits on all commercial and multi-family properties that contain a retention/detention pond.
3. Property owners must include notice of pond hazards, safety equipment location, and emergency contact information to all residents of the property. This item can be a standard handout, form, or lease inclusion, but must be in writing in the language an adult household member can read and comprehend.

Failure to comply shall result in appropriate fines or forfeiture, increasing with repeat offenses.

Port & Resource Recovery Department

Director's Report

October 2019

South Landfill – Addenda to the Plan of Operation has submitted to DNR. Approval of the Plan of Operation is expected by the end of the year. Excavation of the South Landfill will start next April. U.S. Army Corps of Engineers approval received. Air permit was submitted for WDNR approval. Staff is also working on a strategy to utilize the rate stabilization fund to lessen the tipping fee increases that will result from construction the new south landfill in 2022. Private well monitoring will begin in November. In addition, Brown County will sample for PFAS in the soil and groundwater as part of the background testing prior to operating the South Landfill. PFAS is an emerging contaminate of concern.

Ducks Unlimited (DU) Project at Ken Euers Nature Area - DU approached the Department about accessing and utilizing the Bay Port Dredged Material Rehandling Facility as part of a habitat restoration project. Access was granted for cutting, chipping and storing trees with the understanding the DU would return the property to previous condition should any road or ditch damage occur. On Tuesday October 16, 2019 the Department met with DU to approve the property was in prior condition. As this time, a culvert was being installed under our entrance road. No approval was granted for the culvert. An agreement for culvert installation is being drafted and will return for approval at November meeting

Solid Waste Transfer Station Modifications – Construction will be completed by mid-October new kiosks and software installed. Project has going better than expected. Tribute to the team at Port & Resource Recovery

Transfer Station Operation Evaluation – Operating the future South Landfill will involve Brown County heavy equipment operators. Staff is evaluating the cost/benefit of operating the Solid Waste Transfer Station. Evaluation results will be completed in November.

Renard Island End-Use Plan – In November the End-Use Plan will be presented for approval. The Ho-Chuck Nation is still interested in being involved, but nothing finalized. Project needs to be finalized which involves final presentation and grant close out.

Utilization Strategy for the Rate Stabilization Fund – The Rate Stabilization Fund is \$1.1M directed and reserved by Brown County to lessen the anticipated \$8/ton increase in tipping fee costs necessary from constructing and operating the future new South Landfill. Strategy will be presented to Solid Waste Board and PDT in November.

Open Position Form

Port and Resource Recovery Department

Position	Vacancy Date	Reason for Leaving	Fill or Hold	Unfilled Reason
PT Associate	January 1		Hold	